

Payroll Dialogue Minutes

Wednesday, January 21, 2009

1. CBU and E01 TRCs - Steven

- CBU - City Business (Union)
 - Union officers meeting with City officials.
 - Release authorization sent by Labor Relations.
 - Shop stewards attending a meeting regarding discipline for an employee.
 - Different than U20 for internal union meetings - this is something the union approves.
- E01 - Education Leave
 - Time away from employee's regular work, but engaged in training or education for the benefit of the City.
 - e.g. Classes required to maintain certification required for their job, anti-harassment training required by law, City provided training in software systems.
 - Not for college classes, classes not required by City.
- CBU and E01 are paid at regular rate and count as hours worked for FLSA

2. Leave for School Functions - Dena

- School Activities
 - Any parent, guardian, or grandparent having custody of a child in kindergarten through grade twelve or attending a licensed child care facility.
 - Employee is limited to 40 hrs a year, not over 8 hrs in a calendar month.
 - Activities include field trips, open houses, extracurricular activities, etc..
 - This leave cannot be denied as long as they have not gone over their allotted time and provide reasonable notice.
 - Can be denied to one parent if both parents work for the City at the same worksite. The parent that made the request first gets preference.
 - Must use appropriate leaves (no sick or supplemental sick) - if no leave is available they may go on LWOP.
 - Employee may request vacation without telling anyone it is for a school activity but it will fall under the same rules as any other vacation leave.
 - There is no special TRC for this, just post it as vacation (or whichever leave they used). You may want to place something in the comments section in case you need to track their use.
 - Manager can request that the employee provide proof that they were attending a school activity. Ex. A note from the teacher or principal.
- Suspension
 - Any parent, guardian, or grandparent having custody of a child in kindergarten through grade twelve or attending a licensed child care facility.
 - Leave must be granted:
 - to meet with the school about a child's suspension.
 - if required to be in the child's classroom for a period of time due to child's suspension.
 - Must use appropriate leaves (no sick or supplemental sick) - if no leave is available they may go on LWOP.
 - This is separate from using leave for School Activities. - There is no limit to its usage.
 - Manager can request that the employee provide proof that they were needed at the school. Ex. A note from the teacher or principal.
 - Employee should provide reasonable notice of their absence.

3. FMLA Changes - Dena

These FMLA changes took effect 1/16/09 - Make sure your managers are aware of these changes.

- **Military Caregiver Leave** - Employees (must be the spouse, son, daughter, parent, or next of kin - FYI son or daughter may be any age, definition of next of kin can be found in the Q&A section) are allowed up to 26 workweeks of leave in a 12-month period to care for a covered servicemember (Armed Forces, including National Guard and Reserve) with a serious injury or illness incurred in the line of duty while on active duty.
- **Leave for qualifying exigencies for families** (spouse, son, daughter, or parent) of National Guard and Reservists (not family members of members of the Armed Forces) - Allows families to take FMLA leave for:
 1. short notice deployment
 2. military events and related activities
 3. childcare and school activities
 4. financial and legal arrangements
 5. counseling
 6. rest and recuperation
 7. post-deployment activities
 8. additional activities where employee and employer agree to the leave.
- The 12 months of employment provision to qualify for FMLA should also include any time in the previous 7 years that the employee may have worked for the City unless the break was due to the fulfillment of military obligation or there was a written agreement to rehire the employee. They still have to have worked at least 1,250 hours during the 12 months prior to the start of their leave.
- **Determination of Serious Health Condition** requires 2 visits to a health care provider within 30 days of incapacity (unless there are extenuating circumstances).
- "Periodic" visits for treatment of a chronic serious health condition means at least twice per year.
- Both spouses may take their full 12 weeks of FMLA leave to care for an adopted or foster child with a serious health condition, regardless of whether they work for the same employer.
- If an employee uses FMLA for an entire week that includes a holiday the holiday is posted as FMLA leave. If they work part of the week, they get the holiday.
- **Notice of Eligibility and Rights & Responsibilities:** five-day rule
 - Employer must notify an employee of their eligibility to use FMLA leave within 5 business days of the employee taking FMLA qualified leave (or within 5 days of learning it was FMLA qualified).
- **Designation notice:** five-day rule
 - Employer is required to provide an employee notice of the designation of FMLA leave within 5 business days of receiving sufficient information from the employee to designate the leave as FMLA leave.
 - If future leave will be needed but the amount is unknown the employee may request how much FMLA leave they have used (no more than every 30 days). This notification may be done orally but written notification must be on the next pay stub (unless pay day is in less than a week). We do not have a way of printing this on the pay stub or advice. Instead you should put something in writing and give it to them with their pay stub or write the amount on their pay stub before giving it to them.
 - Must notify the employee if the information in this form changes (e.g., FMLA has been exhausted)
- **Employee notice requirements and employer call-in procedures** - If an employee's leave was foreseeable but they did not provide 30 days notice they must respond to a request from the employer to explain why they were not able to give 30 days notice. In other words, if they are asked why they could not give 30 days notice, they are required to provide a reason. You are not required to make this request.
- **Medical or military certification:** five-day rule - Within 5 business days of being notified of FMLA leave an employer should request medical or military exigency or caregiver certification. Employee has 15 calendar days to provide the certification whether foreseeable or unforeseeable, unless it isn't practical despite good faith effort.

- Light duty work does not count against FMLA leave entitlement.
- Go to <http://www.dol.gov/esa/whd/fmla/finalrule.htm> for FAQs and to get the new FMLA poster.

The City Personnel Department is currently working to update their FMLA forms. Unless told otherwise, continue to use the forms Risk Management has already provided.

4. 529 College Fund - Dena

- 529 College Fund & Direct Deposit - Employee must already have another form of direct deposit as their Balance row.
 - Use Self Service Direct Deposit or
 - Need to fill out and submit to Payroll:
 - Direct Deposit Enrollment Form (available on the Payroll Website under Forms - <http://www.fresno.gov/Staff/Payroll/Forms.htm>)
 - College Investing Direct Deposit Form - This form will most likely say Fidelity on it. Even though it is Fidelity, it is a direct deposit. Employee must provide this form.
- If using Self Service, the employee needs to make sure it is set up correctly. Instructions are on the back of the 529 Form.
 - Must be set up as Checking
 - The Account number has extra numbers, they need to make sure they enter the entire account number. Ex. They are provided with a 9-digit account number, 612345678, the account number they have to enter is 39900001612345678.

Transit/Routing Number <div>1 0 1 2 0 5 6 8 1</div>	To help process this authorization, please follow these steps: <ul style="list-style-type: none"> • Code the employee's Fidelity account as a checking account for ACH purposes • The processing bank is United Missouri Bank (UMB Bank of Warsaw) • Retain this form in your payroll department to document your employee's authorization (do not return it to Fidelity Investments) • Please note that the ABA Check Digit number must be included to ensure proper handling of deposit. The ABA number often appears in front of the account number, creating a seventeen-character account number. Employer should verify whether the ABA number and account number should be combined on their system.
ABA Check Digit <div>3 9 9 0 0 0 0 1</div>	
College Plan Account Number (9 digits) <div>6 - </div>	

9-digit Account Number referenced in Customer Information section

5. Direct Deposit vs. Credit Union Deduction - Dena

These are 2 very different things with different forms that need to be used. If the employee comes to you about changing the amount of their credit union deduction, find out whether it has been set up through direct deposit or as a credit union deduction - many employees will call a credit union deduction a direct deposit because that is what it is called on their bank statement but it isn't.

- A credit union deduction is taken out of the employee's pay, we take all of the deductions for each credit union and create a check that we hand to the credit union. The credit union then deposits the check and places the money into the employee's account.
- Direct Deposits are sent electronically to the employee's account.

How can the employee tell which one it is?

- **Direct Deposits** show up at the bottom of the employee's advice.
 - **To make changes go into PS Self Service or submit a Direct Deposit Enrollment Form (found here <http://www.fresno.gov/Staff/Payroll/Forms.htm>).
- **Credit Union Deductions** show up in the After Tax Deductions section of the paycheck (or advice).
 - **To make changes to the amount deducted, go to the Credit Union and fill out a

- card, they will send the card to us to make the change.**
- **To stop a Credit Union deduction fill out a Stop Deduction Request Form or stop the deduction through their credit union.**

When possible, we would like employees to change their Credit Union Deductions to Direct Deposit. To do this, they need to go to the Credit Union and get the routing and account numbers and then either submit the appropriate paperwork or add the account through Self Service.

Question and Answer Session

Q: Employee is out long-term non-industrial leave covered by FMLA... He returns to work and shortly thereafter is injured on the job. His injury results in more long-term time off. Can the dept charge his time off to the previously approved FMLA, or do they first have to submit an FMLA packet before they can reduce his protected FMLA coverage? Does each reason have to be applied for separately?

A: You cannot charge their time to FMLA based on old FMLA paperwork. New paperwork must be filed for each type of FMLA leave whether it is on the job or off.

Q: How long do you have to wait before you are able to use SDI? When will it be effective for White Collar?

A: Employees can go on SDI after 7 calendar days. White collar workers will not be able to receive SDI until after July 1, 2009 but they should still apply for it as soon as possible just in case they are going to be out longer than July 1 and will need it. Remember, they only have 45 days after the day of injury to file a claim.

Q: Do you have to show proof of custody to qualify for leave for school functions? Why is the proof requirement a department decision and not a city wide decision?

A: As far as we know, there are no requirements that an employee has to provide proof of custody. There is also no restriction that says a department cannot request this information, which basically leaves this up to the department. The only way to make the requirement citywide or to stop departments from requesting it would be for something to come from the City Manager's Office. Keep in mind that if your department is requiring employees to show proof, they need to require it of all employees using this leave.

Q: Are we ever going live with FLSA?

A: There have been some complications that have not allowed us to go live but we are still working on it. Remember, this will not work for 9/80 employees, their FLSA will still have to be done by hand.

Q: How do you post time worked on a holiday for blue collar if it was not standby pay?

A: When a City paid holiday falls on a scheduled work day and the employee works, you code the time as R01 and H04. When a City holiday falls on a scheduled day off and the employee works, you code the hours worked as X15 or Y15, and report 8 hours H05 (Holiday on day off, add to Holiday balance).

Q: Military Caregiver leave - How do you define "next of kin"?

A: The regulations define a covered servicemember's "next of kin" as the servicemember's nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under FMLA, in which case the designated individual shall be deemed to be the covered servicemember's next of kin. The regulations provide that all family members sharing the closest level of familial

relationship to the covered servicemember shall be considered the covered servicemember's next of kin, unless the covered servicemember has specifically designated an individual as his or her next of kin for military caregiver leave purposes. In the absence of a designation, where a covered servicemember has three siblings, for example, all three siblings will be considered the covered servicemember's next of kin.

Q: Is decentralization of FMLA/CFRA approval process on the horizon?

A: Unlikely.

Q: How does HRA work?

A: Generally, HRA is available to employees upon retirement. There are a number of qualifications for the employee to go on HRA which are dependent on which unit they are in, how much sick leave they have used, etc... If you are not sure if the person will go into HRA call Steven Shubin at 7010 or Leslie Schoener in Personnel, they can tell you if the person qualifies or not.

Q: What determines what has to be FMLA time? Example, why would an employee qualify to be out for 8 weeks with a broken leg?

A: In general, a doctor determines when an employee is able to return to work, whether for pregnancy/childbirth or broken leg. Employees do not have to use FMLA but they could be putting their job at risk if they do not seek FMLA protection. Generally, they should go on FMLA: for the birth and care of the newborn child of the employee; for placement with the employee of a son or daughter for adoption or foster care; to care for an immediate family member (spouse, child, or parent) with a serious health condition; or to take medical leave when the employee is unable to work because of a serious health condition. The City also has the right to place an employee on FMLA.

The broken leg would probably be considered a serious health condition and the employee going on FMLA would be based on the doctor's order that the patient could not work.

Q: How would shift differential be applied when TRC's CBU or U20 are used?

A: Shift differential is dependent upon actual worked hours on the evening or night shift. If the CBU or U20 is during the employee's normal evening or night shift, then shift differential should be paid. If the employee's schedule is changed and the CBU or U20 is worked during the day, shift differential should not be paid.

Q: Can there be any other payments that can be automatically taken out of your check other than checking and savings.

A: For direct deposit we have to a routing/transit number and an account number to have something set up. The only other option is to have a wage order or garnishment placed on the employee's check and these cannot be set up by the employee.

Q: When are W-2's being distributed?

A: They will go out sometime before January 31st.

Q: What is the deadline to fill out a FMLA form?

A: The City does not have a deadline for the employee. The employer has various five-day rules they have to follow for different notifications. See minutes above.

Q: Is there a code besides CBU to use when an employee is interviewing for another City job or should it be left as R01?

A: If they are interviewing within the City, it needs to be R01. If their interview is outside the City, they have to use leave time.